

DFW

• Appl. No. 10/730,826
Amdt. dated May 2, 2005
Reply to Office Action mailed April 13, 2005



Atty. Docket: 2541 FWC 4 DIV CIP CON 3
(203-2716 FWC 4 DIV CIP CON 3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Eric R. Cosman

EXAMINER: Smith, Ruth S.

SERIAL NO.: 10/730,826

GROUP UNIT: 3737

FILED: December 8, 2003

DATED: May 2, 2005

FOR: SURGICAL POSITIONING SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action Summary mailed on April 13, 2005, please consider the following remarks.

REMARKS

In the Office Action, the Examiner requires the Applicant to elect a single invention under 35 U.S.C. §121 for prosecution on the merits. The Examiner states that the claims 8-12 are directed towards a system that is classified in class 600, subclass 407, while claims 13-18 are directed towards a method that is classified in class 600, subclass 407.

In the interests of furthering prosecution, the Applicant hereby elects claims 8-12, without traverse, that are directed towards a system. Applicant further reserves the right to file continuation applications and/or divisional applications on any non-elected inventions.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2005.

Dated: May 2, 2005

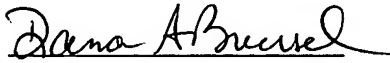
Jennifer J. Puente

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If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at (631) 501-5713.

Respectfully submitted,

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